

REMARKS

Reconsideration and further examination of the subject application, in view of the remarks below, are respectfully requested.

Status of Claims

Claims 1-33 are pending in the application. Each of these claims is under consideration.

Claim Rejection – 35 U.S.C. § 103

In the Office Action, claims 1-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. Publ. No. 2004/0127609 ("US '609"). For the following reasons, this rejection should be withdrawn.

US '609 does not qualify as prior art against the subject application. The subject application was filed on November 26, 2003. US '609 was published on July 1, 2004, which is after Applicants' filing date. Thus, at most, US '609 can be prior art only under 35 U.S.C. §§ 102(e), (f), or (g).

But 35 U.S.C. § 103(c)(1) states that subject matter that qualifies as prior art only under 35 U.S.C. §§ 102(e), (f), or (g) shall not preclude patentability under this section if the disclosed subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

STATEMENT CONCERNING COMMON OWNERSHIP

In this case, the subject application and US '609 were, at the time the invention of the subject application was made, owned by Eastman Chemical Company or subject to an obligation of assignment to Eastman Chemical Company.

US '609, therefore, is disqualified as prior art against the subject application under § 103(c)(1).

For the above reasons, there's no *prima facie* case of obviousness, and the rejection should be withdrawn.

Conclusion

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), remove all rejections, and pass the application to issuance.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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3/29/2006
Date